

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JORGE CALDERON-CANAS,)	
Movant,)	
)	No. 3:16-CV-1764-M-BH
vs.)	No. 3:13-CR-466-M(5)
)	
)	
UNITED STATES OF AMERICA,)	
Respondent.)	Referred to U.S. Magistrate Judge ¹

RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Before the Court is the movant's *Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis*, received from the United States Court of Appeals for the Fifth Circuit on February 26, 2021 (doc. 31), which is liberally construed as a motion for leave to proceed *in forma pauperis* on appeal.

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the memorandum opinion and order, and the denial of a certificate of appealability filed in this case on November 20, 2019 (docs. 20, 21).

If the Court denies the request to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 1st day of March, 2021.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹ By Amended Miscellaneous Order No. 6 (adopted by Special order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.